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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

TARYN MANNING, an individual

Plaintiff,

vs.

CAROLINE DIMECH, a/k/a "CLINE
MAYO," an individual; FIERCE FLIX,
LLC, a Pennsylvania Limited Liability
company, and DOES 1 through 10,
inclusive,

Defendants.

Case No.:

**COMPLAINT FOR
DECLARATORY JUDGMENT
[28 U.S.C § 2201]**

Plaintiff Taryn Manning ("Plaintiff") alleges as follows:

INTRODUCTION

1. Plaintiff has devoted her life to the arts, and made a successful career in the entertainment industry as an acclaimed actress, composer, and musician. As such, Plaintiff has always had the utmost respect for the intellectual property rights of her fellow artists. Unfortunately, Plaintiff has been left with no choice

1 but to bring this action for a declaratory judgment, in the face of baseless claims
2 of copyright infringement by her former business partner. Beginning in
3 approximately 2007, Plaintiff partnered with Defendant Caroline Dimech, also
4 known as Cline Mayo (“Mayo”), to produce a motion picture tentatively titled
5 “Droppers.” Over the years, Plaintiff and Mayo collaborated, along with other
6 individuals, on the development of this motion picture.

7 2. In February 2015, in order to generate interest in the motion picture,
8 Plaintiff and Mayo produced a trailer for “Droppers.” Working without a script,
9 Plaintiff was actively involved in every aspect of the trailer’s creation. Plaintiff
10 assembled the cast and the majority of the crew for the trailer through her industry
11 relationships. Plaintiff starred in the trailer. Plaintiff developed the dialog for the
12 trailer. Plaintiff even funded the trailer with her own money. Plaintiff contributed
13 to the look, feel, and scenario for the trailer. Unfortunately, after the trailer was
14 completed, the business relationship between Plaintiff and Mayo ended. Mayo
15 has since, inexplicably, insisted that Plaintiff not only played no creative role in
16 “Droppers,” but that Plaintiff somehow infringed upon a copyright allegedly
17 belonging to Mayo and her company. Despite multiple attempts to resolve this
18 business dispute, Mayo has threatened litigation unless Plaintiff gives into her
19 unreasonable monetary demands. In order to establish the rights between the
20 parties once and for all, and demonstrate that Plaintiff has never engaged in a
21 single instance of copyright infringement, Plaintiff now brings this action.

22 **THE PARTIES**

23 3. Plaintiff Taryn Manning is an individual residing in Los Angeles,
24 California.

25 4. Defendant Caroline Dimech, also known as Cline Mayo, is and at all
26 times material herein has been an individual residing in Los Angeles County,
27 California.

1 5. Defendant Fierce Flix, LLC (“Fierce Flix”) is a Pennsylvania Limited
2 Liability Company with its principal place of business in Los Angeles County,
3 California.

4 6. Defendant DOES 1 through 10, inclusive, are sued herein under
5 fictitious names. When their true names and capacities are ascertained, Plaintiff
6 will amend this complaint by inserting their true names and capacities herein.

7 7. On information and belief at all times material herein each of the
8 defendants was the agent and employee of some or all of the other defendants, and
9 in so doing the things hereinafter alleged, was acting within the course and scope
10 of such agency and employment.

11 **JURISDICTION AND VENUE**

12 8. This action is brought, and this Court has subject matter jurisdiction,
13 pursuant to 28 U.S.C. Sections 1331, 1338, and 2201. This Court has federal
14 question jurisdiction in this matter in that Plaintiff seeks a declaration of rights
15 under the Copyright Act of 1976, 17 U.S.C. § 101 *et seq.*

16 9. Venue lies within this Court pursuant to 28 U.S.C. Sections
17 1391(b)(2)-(3) in that Defendants are subject to the personal jurisdiction of this
18 Court in this Judicial District. Specifically, Defendant Mayo has substantial,
19 continuous and systematic contacts with this Judicial District in that she is a
20 resident of Los Angeles County. Defendant Fierce Flix has substantial,
21 continuous and systematic contacts with this Judicial District in that it maintains
22 its principal place of business in Los Angeles County.

23 **CLAIM FOR DECLARATORY RELIEF – NON-INFRINGEMENT OF**
24 **COPYRIGHT**

25 10. Plaintiff re-alleges herein by this reference each and every allegation
26 contained in paragraphs 1 through 9, inclusive, of this Complaint as if set forth
27 fully herein.

1 11. This is a declaratory judgment action under (i) the United States
2 Copyright Act of 1976, 17 U.S.C. § 101 *et seq.* (the “Copyright Act”) and 28
3 U.S.C. §§ 2201 and 2202 (the “Declaratory Judgment Act”). On June 30, 2015,
4 Defendants threatened litigation against Plaintiff, asserting that Plaintiff is
5 infringing upon Defendants’ claimed copyright in the screenplay for the motion
6 picture tentatively titled “Droppers.” On July 25, 2015, Defendants again
7 threatened imminent litigation based on this purported copyright infringement,
8 unless Plaintiff gave in to certain demands. As an actual controversy exists by
9 way of the Defendants’ credible threat of immediate litigation and demand for
10 monetary compensation, Plaintiff seeks relief from this Court.

11 12. Plaintiff is informed and believes that Defendants claim that they
12 own and have standing to pursue claims for infringement of an alleged copyright
13 in the motion picture screenplay tentatively titled “Droppers,” and that Plaintiff
14 has infringed such copyright by using copyrighted material without Defendants’
15 permission.

16 13. Plaintiff firmly denies that she infringed upon any copyright
17 allegedly belonging to Defendants.

18 14. There is an actual and justiciable controversy between Plaintiff and
19 Defendants in that Defendants claim that Plaintiff has infringed upon Defendants’
20 purported copyright. Conversely, Plaintiff denies Defendants’ claims and
21 contends that she has not infringed upon Defendants’ purported copyright.

22 15. Plaintiff seeks a judicial declaration of the parties’ respective rights
23 and obligations with respect to the copyright allegedly belonging to Defendants.

24 16. Plaintiff is entitled to a declaratory judgment that she is not
25 infringing, has not infringed, and is not liable for infringing any valid copyright
26 owned by Defendants, either directly, or by inducing others to infringe, or by
27 contributing to the infringement of others.

